



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,503	07/16/2001	Lonnie Sisco	114270.1561	2259

30734 7590 04/18/2006
BAKER & HOSTETLER LLP
WASHINGTON SQUARE, SUITE 1100
1050 CONNECTICUT AVE. N.W.
WASHINGTON, DC 20036-5304

EXAMINER

JEAN GILLES, JUDE

ART UNIT PAPER NUMBER

2143

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/904,503

Applicant(s)

SISCO ET AL.

Examiner

Jude J. Jean-Gilles

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is responsive to communication filed on 03/20/2006. Claimed priority is granted from divisional application No: 60297242 with a priority date of 06/12/2001.

1. Examiner is delighted that applicants have replaced the term "valves" by value. Accordingly, the previous rejection of claims 21 and 22 under 35 U.S.C. 112, first paragraph, has been removed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims** 1, 3, 4, 11, 12, 14, 15, 17, 18, and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Mullen et al (Mullen), Patent No. 7,003,560 B1.

Regarding **claim 1**: Mullen teaches a method for accessing a Baan server (fig. 2A, item 16, 23), comprising the steps of:

sending data from a Visual Basic program to an application function server of the Baan server (column 19, lines 35-43; column 6, lines 25-58);

receiving the data at the Baan server (column 6, lines 25-58);

utilizing the application function server to communicate the data to at least one software object of the Baan server to generate at least one Baan session object (fig. 2A, items 16, 25; 16,23; column 6, lines 25-58; note that the application software used to interconnect various computing devices represent the Baan software Business enterprise Applications); and

utilizing the Visual Basic program to communicate with the at least one Baan session object via the application function server (column 19, lines 35-43; column 6, lines 25-58); and

storing information in the Baan server in response to the received data (column 19, lines 35-43; column 6, lines 25-58).

Regarding **claim 3**: Mullen teaches the method of claim 1, further comprising the steps of: accessing the Visual Basic program, which is resident on a server, from a computer over a network link (column 19, lines 35-43; column 6, lines 25-58).

Regarding **claim 4**: Mullen teaches the method of claim 3, wherein said network link is an Internet (fig. 2A, item 31).

Regarding **claim 11**: Mullen teaches a system for accessing a Baan, comprising:

a network server containing a Visual Basic program (column 19, lines 35-43; column 6, lines 25-58);

a Baan server, wherein the Visual Basic program is used to access the Baan server (column 19, lines 35-43; column 6, lines 25-58);

Art Unit: 2143

means for sending data from a Visual Basic program to an application function server of the Baan server (column 19, lines 35-43; column 6, lines 25-58);

means for receiving the data at the Baan (column 19, lines 35-43; column 6, lines 25-58);

means for utilizing the application function server to communicate the data to at least one software object of the Baan server to generate at least one Baan object (column 19, lines 35-43; column 6, lines 9-58);

means for utilizing the Visual Basic program to communicate with the at least one Baan session object via the application function server(column 19, lines 35-43; column 6, lines 9-58); and

means for storing information disposed in the Baan server in response to the received data, (column 19, lines 35-43; column 6, lines 9-58).

Regarding **claim 12**: Mullen teaches the system of claim 11, wherein said network server is an Internet server (fig. 2A, item 31).

Regarding **claim 14**: Mullen teaches the system of claim 11, further comprising: a computer for accessing said network server(fig. 2A, item 26).

Regarding **claim 15**: Mullen teaches the system of claim 14, wherein said user accesses said network server using a remote network program (column 17, lines 6-39).

Regarding **claim 17**: Mullen teaches a system for accessing Baan server, comprising:

a computer means for accessing a network server, (column 19, lines 35-43; column 6, lines 9-58);

a network server means for accessing a Baan server through a Visual Basic program, (column 19, lines 35-43; column 6, lines 9-58);

means for sending data from a Visual Basic program to an application function server application function server of the Baan server, (column 19, lines 35-43; column 6, lines 9-58);

means for receiving the data at the Baan server, (column 19, lines 35-43; column 6, lines 9-58);

means for storing information disposed in the Baan server in response to the received data, (column 19, lines 35-43; column 6, lines 9-58);

means for utilizing the APPLICATION FUNCTION SERVER to communicate the data to at least one software object of the Baan server to generate at least one Baan session object (column 19, lines 35-43; column 6, lines 9-58);

means for utilizing the Visual Basic program to communicate with the at least one Baan session object via the APPLICATION FUNCTION SERVER, (column 19, lines 35-43; column 6, lines 9-58).

Regarding **claim 18**: Mullen teaches et al teach the system of claim 17, wherein the computer means utilizes an Internet to access the network server(column 17, lines 6-39).

Regarding **claim 23**: Mullen teaches the method of claim 1, further comprising: providing an application program interface by a business object interface business object interface (fig. 5, items 50, and 60).

Regarding **claim 24**: Mullen teaches the method of claim 23, wherein the APPLICATION FUNCTION SERVER serves as the application program interface (fig. 5, items 50, and 60).

4. **Claims 2, 5-10, 13, 16, 19 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullen, in view of Rogers et al (U.S. *Patent No.* 6,405,111 B2).

Regarding **claim 2**: Mullen teaches the invention substantially as claimed. Mullen discloses the method for accessing a Baan server of claim 1, but fails to disclose A method wherein the Visual Basic program is an Active X DLL program.

In the same field of endeavor Rogers discloses "... *ActiveX server extensions are similar to CGI scripts but actually execute as extensions of the Web server. Extensions have access to useful information, within the Web server, about the Web browser users and the Web server host system. ActiveX controls are analogous to Java applets. Examples include buttons, stock tickers and chart controls. But unlike Java script, ActiveX controls are not byte codes but actual small computer programs, or software objects, that do not require a subsystem such as the Java Virtual Machine. Active X controls are not computer type independent and must be written exclusively for a target computer type, e.g ...*" [see Rogers ; column 5, lines 10-40].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Rogers' teachings of using the an Active X program with the teachings of Mullen, for the purpose of providing a distributed computerized automotive service application using software

Art Unit: 2143

objects” as stated by Rogers in column 7, lines 20-25. Mullen also provides motivation to combine by stating that “.. these tools allow enterprises to maintain operations and develop new applications to be used on the data warehouse computing system, thereby allowing the enterprises to constanly make updates and integrate change in the data warehouse computing system...” in lines 60-65 of column 4. By this rationale, **claim 2** is rejected.

Regarding **claim 5**: the combination Mullen-Rogers teaches the method of claim 3, wherein said accessing step is accomplished through a web page developed using Active Server script [see Rogers; column 5, lines 10-40].

Regarding **claim 6 and 19**: the combination Mullen-Rogers discloses the method of claim 5 wherein the Baan server provides data services for automotive service applications [see Rogers ; column 6, lines 11-58]. By this rationale, **claims 6 and 19** are rejected.

Regarding **claim 7**: The combination Mullen-Rogers teaches the method of claim 6, wherein said network link is an Internet [see Mullen; fig. 2A, item 31].

Regarding **claim 8**: The combination Mullen-Rogers teaches the method of claim 7, wherein the Visual Basic program is an Active X DLL program [see Rogers ; column 5, lines 10-40].

Regarding **claim 9**: The combination Mullen-Rogers teaches the method of claim 7, wherein said accessing step is accomplished using a remote network access program (column 17, lines 6-39).

Art Unit: 2143

Regarding **claim 10**: The combination Mullen-Rogers teaches the method of claim 9, wherein the remote access program is CITRIX [see Rogers ; column 5, lines 10-40].

Regarding **claim 13**: the combination Mullen-Rogers teaches the system of claim 11, wherein said network server, further contains a web page developed using ACTIVE SERVER PAGES script [see Rogers ; column 5, lines 10-40].

Regarding **claim 16**: the combination Mullen-Rogers teaches the system of claim 15, wherein the remote network program is CITRIX [see Rogers ; column 5, lines 10-40].

Regarding **claim 20**: the combination Mullen-Rogers teaches the system of claim 17, wherein the data is at least one of financial, manufacturing, and distribution data [see Rogers ; column 6, lines 11-58]

Art Unit: 2143

Conclusion

5. Accordingly, **THIS ACTION IS MADE NON_FINAL**. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

JJG



April 13, 2006